



City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, February 11, 2009

7:00 PM

Council Chamber

Presiding: William B. Dunaway

Present: Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Holly Walquist, Grif Chalfant, Annette Lewis and Van Pearlberg

Also Present:

William F. Bruton, City Manager

Douglas R. Haynie, City Attorney

Stephanie Guy, City Clerk

CALL TO ORDER:

Mayor William B. Dunaway called the meeting to order at 7:00 p.m.

INVOCATION:

Mayor Dunaway called upon Council member Grif Chalfant to give the invocation.

PLEDGE OF ALLEGIANCE:

Mayor Dunaway called upon Finance Director, Sam Lady, to lead the pledge of allegiance.

PRESENTATIONS:

20090123 Marietta Police Department Recruiting Video

The new Marietta Police Department Recruiting Video is presented by Chief Dan Flynn.

This matter was Presented.

PROCLAMATIONS:

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE
MAYOR, COUNCIL AND/OR CITY MANAGER:**

Council member Holly Walquist announced that the Tree Keepers will be planting trees at the Eastminster Presbyterian Church located at 3125 Sewell Mill Road Saturday, February 14, 2009. The Tree Keepers will also host events celebrating Arbor Day Saturday, February 21, 2009 at City Hall.

City Manager Bill Bruton announced that the City of Marietta's 175th anniversary web site is now up and running. Volunteers are being sought to serve on one of seven subcommittees to help plan the year long anniversary celebration. Please visit marietta175.com for more details.

Mr. Bruton also announced that 2009 will be the "Year of Construction" around the city with 41 road projects underway or beginning this year.

CONSENT AGENDA:

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

Mayor Dunaway briefly explained the consent agenda process. The following amendments were made to the consent agenda:

-under City Council Appointments: Agenda item 20090049 was added to the consent agenda.

-under Ordinances: Agenda item 20081462 was removed from the agenda.

-under Finance/Investment: Agenda item 20090099 was added to the consent agenda and amended to read, "Motion to approve a \$6000 grant for Sister Cities Student Exchange Program for cultural exchange with students from Linz am Rhein, Germany."

-under Other Business: Agenda item 20090154 was added to the consent agenda.

Mayor Dunaway opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.

A motion was made by Council member Lewis, seconded by Council member Walquist, to approve the consent agenda as modified. The motion unanimously carried by the following vote:

Vote: 7 - 0 - 0

Approved

with the following exceptions:

-Council members Lewis, Coleman and King opposed to agenda item 20090099.

-Council member Goldstein abstaining to agenda item 20090126.

-Council member Goldstein opposed to agenda item 20090154.

-Council member Goldstein opposed to agenda item 20090141 of the BLW Actions dated February 9, 2009.

MINUTES:

*** 20090130 Regular Meeting - January 14, 2009**

Review and approval of the January 14, 2009 regular meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* 20090131 Special Meeting - January 29, 2009

Review and approval of the January 14, 2009 special meeting minutes.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

MAYOR'S APPOINTMENTS:

CITY COUNCIL APPOINTMENTS:

* 20090049 Planning Commission Appointment

Appointment of Stephen Diffley to the Marietta Planning Commission (Ward 7) for a term of three years expiring on January 14, 2012.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ORDINANCES:

20090003 Z2009-01 James W. Friedewald, St. Joseph Catholic Church, 589 Campbell Hill St., 555 Sugar Hill Dr., 558 St. Joseph Way, 95 Lacy St., 570 Nancy St., 574 Nancy St. and 543 Sugar Hill Drive

Z2009-01 [REZONING AND SPECIAL LAND USE PERMIT] ST. JOSEPH CATHOLIC CHURCH request rezoning and special land use permit for property located in Land Lot 10860, 16th District, Parcels 0010, 0460, 0370, 0220, 0230, 0240 and 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 589 Campbell Hill Street, 555 Sugar Hill Drive, 558 St. Joseph Way, 95 Lacy Street, 570 Nancy Street, 574 Nancy Street and 543 Sugar Hill Drive from R-4 (Single Family Residential 4 units/acre) and OI (Office Institutional) to R-4 (Single Family Residential 4 units/acre). Ward 4.

Motion to table this matter until the next regular City Council meeting, with the applicant being responsible for the advertising costs.

The motion was made by Council member Pearlberg, seconded by Council member Goldstein, that this matter be Tabled. The motion carried by the following vote:

Vote: 7 - 0 - 0

Tabled

20090031 Z2009-02 Lee Jaraysi 555 Commerce Avenue

Motion to approve the ordinance for the rezoning of property located at 555 Commerce Avenue from CRC (Community Retail Commercial) to CRC (Community Retail Commercial), as stipulated with the following additional stipulations:

1.)The site plan initialed by the applicant shall be incorporated as a condition of the rezoning.

- 2.)The Nazareth building elevations initialed by the applicant and dated February 25, 2009 shall be incorporated as a condition of the rezoning.
- 3.)The Nazareth building elevations shows the number of windows for the completed project; however, the round facade shown in the bottom right hand corner of the elevations shall not be included and shall be overwritten by the site plan.

Mayor Dunaway opened the public hearing. City Attorney Douglas Haynie explained the rules of order and swore in those wishing to speak.

Mr. Haynie mentioned that this matter was before Council due to court ordered mediation. He also stated that the applicant's attorney was not present and that there were several outstanding documents to be submitted.

Michael Ackley spoke for the applicant, Lee Jaraysi, requesting rezoning for property located at 555 Commerce Avenue from CRC (Community Retail Commercial) to CRC (Community Retail Commercial) with stipulations and variances.

Discussion was held regarding the submitted site plans, stipulations and variances.

Mr. Haynie mentioned that this matter would be continued in order to receive the outstanding documents.

Mayor Dunaway closed the public hearing.

A motion was made to refer this matter to a Special Called City Council meeting, which will be held February 25th or 26th.

The motion was made by Council member Goldstein, seconded by Council member King, that this matter be Referred to the CITY COUNCIL SPECIAL MEETING. The motion carried by the following vote:

Vote: 7 - 0 - 0

Referred

*** 20081462 Code Enforcement - 441 Roosevelt Circle**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 441 Roosevelt Circle.

Listed Owner: Ana G. Vargas

1st Certified mail receipt to owner returned 11-21-08; Not Deliverable as Addressed/Unable to Forward

2nd Certified mail receipt to owner returned 01/02/09; Unable to Forward.

1st notice to Chase Home Finance LLC returned 01/02/09 marked "Moved, Left No Address, Unable to Forward."

3rd Certified letter to owner (not yet returned as of 01/28/09) and to JP Morgan

Chase Custody Services (per Security Deed) - returned on 01/08/09, signed by Artis Elliot of JP Morgan Chase Custody Services.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This matter was Removed.

* **20090126 Code Enforcement - 129 Hedges Street**

Ord 7291

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 129 Hedges Street.

Listed Owner: Cindy L. Baker

Certified mail receipt not received as of 02-01-09.

Taxes paid: No, \$2,048.27 owed for 2007 & 2008

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

This Matter was Approved on the Consent Agenda.

Vote: 6 - 0 - 1

Approved

Abstain: 1 - Philip M. Goldstein

RESOLUTIONS:

CITY ATTORNEY'S REPORT:

* **20090135 Denial of a Claim**

Denial of a claim of Mr. James Bussey.

This Matter was Approved to Deny Claim on the Consent Agenda.

Vote: 7 - 0 - 0

Approved to Deny Claim

CITY MANAGER'S REPORT:

MAYOR'S REPORT:

COMMITTEE REPORTS:

1. Economic/Community Development: Grif Chalfant, Chairperson

2. Finance/Investment: Annette Lewis, Chairperson

* **20090099 Sister Cities Student Program Donation**

Ord 7289

Motion to approve a grant for Sister Cities Student Exchange Program for cultural exchange with students from Linz am Rhein, Germany.

Motion to approve a \$6000 grant for Sister Cities Student Exchange Program for cultural exchange with students from Linz am Rhein, Germany.

This Matter was Approved on the Consent Agenda.

Vote: 4 - 3 - 0

Approved as Stipulated

Vote Against: 3 - Jim King, Rev. Anthony Coleman and Annette Lewis

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

20081281 Sign Ordinance Revision

Motion to authorize advertisement of the Comprehensive Development Code of the City of Marietta, Division 714.04. Signs, General Regulations and Division 714.09, Signs, Definitions.

Discussion was held regarding the proposed amendment to the Comprehensive Development Code of the City of Marietta relating to off-premise signs.

A motion was made by Council member King, seconded by Council member Pearlberg, that this matter be Approved. The motion carried by the following vote:

Vote: 6 - 1 - 0

Approved

Vote Against: 1 - Philip M. Goldstein

*** 20090084 Detailed Plan for Walton Communities, LLC 1650 Austell Road**

Motion to approve the attached Revised Detailed Plan for Walton Communities according to the site plan identified as Legacy at Walton Village, Phase II, dated January 12, 2009, and the landscape plan labeled "Legacy Phase II" dated January 21, 2009, with the condition that all appropriate restrictions, including the age restriction, be filed with the deed. Further, that the deed be filed with the Superior Court prior to the issuance of any permits.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20090090 Manning Reserve**

Motion to approve a request from John Elliott of Keeler Woods Joint Venture, LLC to revise paragraph #11 in the letter of stipulations dated March 21, 2006, from Garvis L. Sams, Jr. to Mr. Russell J. Roth, that was approved as part of the rezoning of 27.7 acres of property located on Manning Road by City Council on April 11, 2006 (Legistar # 20060323) also known as Manning Reserve. Paragraph 11 shall be revised as follows:

11. The Smith Manning House and the existing outbuildings shall remain situated on a 4.23 acre tract including, but not necessarily limited to, the following:

- a. The erection of protective fencing around the 4.23 acre tract during construction.
- b. The establishment of a 25' landscape buffer on those lots within the proposed residential community which are in direct contiguity to the 4.23 acre tract upon which the Smith-Manning House and its outbuildings are situated.
- c. Following recommendations from Cobb Landmarks or the City staff with respect to historic/interpretive/educational signage regarding the Smith-Manning House. The content, placement and configuration of said signage and markers (if any) shall be subject to the Mayor's and City Council's review and approval.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

*** 20090085 Farmer's Market Street Closure Request**

Motion approving a request from Johnny Fulmer, manager of the Marietta Farmer's Market for the closure of N. Park Square and a portion of Mill Street from 7 a.m. to 1 p.m Saturday mornings from May 2 to September 26.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

5. Personnel/Insurance: Van Pearlberg, Chairperson

*** 20090106 SPLOST Position Allocation**

Ord 7287 Ordinance amending the 2008-09 City/BLW pay and classification plans and position allocation chart for the positions Development Coordinator position and SPLOST Technician positions.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

*** 20081517 City Manager Employment Agreement**

C/A 3716 Approval of the City Manager Employment Agreement.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

6. Public Safety Committee: Anthony Coleman, Chairperson

7. Public Works Committee: Jim King, Chairperson

*** 20090097 Historic Street Sign**

Motion approving an amendment to the Cherokee-Church Street Historic District & Kennestone Area Agreement to allow the installation of a brick-based

monument sign announcing the Church-Cherokee Historic District.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090088 Storm Water Management Ordinance**

Ord 7288 Approval of the revised Post-Development Stormwater Management Ordinance.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

* **20090098 SPLOST Budget Allocation**

Motion to approve the reallocation of 2005 SPLOST funds.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

* **20090154 Building Permit Fees**

Motion to approve revisions to the Marietta Fee Chart related to building permits.

This Matter was Approved on the Consent Agenda.

Vote: 6 - 1 - 0

Approved

Vote Against: 1 - Philip M. Goldstein

* **20090132 BLW Actions of February 9, 2009**

Review and approval of the February 9, 2009 actions and minutes of the Marietta Board of Lights and Water Works. (BLW)

Council member Goldstein voting against agenda item 20090141 of the BLW Actions dated February 9, 2009.

This Matter was Approved on the Consent Agenda.

Vote: 7 - 0 - 0

Approved

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

Date Approved: 03/11/09

William B. Dunaway, Mayor

Attest: Stephanie Guy, City Clerk